

IN THE MATTER OF
LIBERTY MANOR /KIMBERLY APTS.
ADDITION /ZADM CASE NO. 11-138*
AND BAKER LAND COMPANY
S/END GREEN LANE, S OF SOUTH-
GREEN RD. AND E/S LONG NEEDLE
COURT, 500' N OF CENTERLINE
OF CARLSON LANE (101-105
NEEDLE COURT)
2ND ELECTION DISTRICT
2ND COUNCILMANIC DISTRICT
RE: APPROVAL OF DEVELOPMENT
PLAN /PETITION FOR VARIANCE

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
CASE NO. CBA-93-130
AND
CASE NO. 93-202-A

OPINION

An appeal has been filed from the decision of the Hearing Officer, Timothy H. Kotroco, dated April 7, 1993 which approved the Development Plan filed in these proceedings and granted a variance to permit a distance of 18 feet from the building face to the paving of a private street in lieu of the required 35 feet. The Appellants filed, as is required by Section 26-209-(a)(1), a Petition setting forth with reasonable particularity the reasons for the appeal. The matter came on for hearing before this Board on May 27, 1993. Dr. Ella White Campbell appeared in her individual capacity and as an authorized representative of the Stevenswood Improvement Association. Peter Max Zimmerman, Esquire, Office of People's Counsel, also participated in the proceedings. The Developer appeared represented by Anthony J. DiPaula, Esquire. Michael J. Moran, Assistant County Attorney, appeared on behalf of Baltimore County.

Counsel for the parties were each given the opportunity to make oral argument pertaining to the six issues raised in the Appellants' Petition. At the hearing, the only issues that were

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addressed by oral argument were the first and second issues pertaining to the overcrowding of the schools and the park area. Mr. Zimmerman, as People's Counsel, further made the request that additional testimony be given on the issue of the overcrowding of schools. The Board denied the Motion and gave its reasons for doing so orally at the time of the hearing, which is part of the record.

As to the issue concerning the overcrowding of schools, this Board is satisfied from a review of the Hearing Officer's opinion dated April 7, 1993, that the entire issue was before him on the hearing date of February 11, 1993. He recites in his opinion and the record so reflects that documents were offered into evidence showing the student enrollment at Winfield Elementary School. Also, the testimony of Mr. Kraft of the Board of Education for Baltimore County was given. He testified that the Winfield school was over-capacity but that several of the other adjacent schools were under-capacity, and that these other schools would be able to pick up the additional students that may be generated by the approval of the proposed Development Plan. It is clear to this Board that the school issue was before the Hearing Officer, that an abundance of testimony was taken, and that documents were received pertaining to school populations. We find that the Hearing Officer was in no way arbitrary or capricious or in error in his findings of fact that adjacent schools are capable of accommodating all extra students that may result from the approval of the Development Plan and that the proposed Development is not subject to the

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Interim development controls for elementary schools as regulated in Section 26-491, et sec., of the Baltimore County Code.

As stated by the Hearing Officer below, we agree that this finding of fact does not necessarily mean that the Developer is permanently relieved from complying with the regulations governing the overcrowding of schools. It may well be that the Developer could be prohibited at a later date from obtaining a building permit, a recorded plat, a grading permit, or a Public Works Agreement as a result of a change in the enrollment statistics of the Winfield Elementary School or the other adjacent schools. However, that is not for this Board to decide. The Board has reviewed this issue pursuant to Council Bill No. 1-92 which contains amendments and revisions to Section 26 of the Baltimore County Code. As was pointed out at the time of the hearing, the previous development process in this County has been revamped in many respects, and the new legislative scheme calls for a limited scope of appeal by this Board.

As to the second issue concerning the park area, a review of the record and the opinion rendered below clearly discloses that this issue was before the Hearing Officer. Initially the citizens were concerned that the locations of the proposed development was taking away from them an existing play area used by their children. At the time of the hearing below, the Developer had been granted initial approval by the necessary County agencies for the use of adjacent land for this same purpose. The Hearing Officer permitted the parties to submit a plan to provide for the construction of a

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new play area. The Plan, dated March 23, 1993, was submitted to the community groups and to the Hearing Officer below for review and consideration. The plan was accepted by the Hearing Officer, and the play area relocated adjacent to the development. No oral arguments were presented to this Board to support any finding that the Hearing Officer was in any manner arbitrary or capricious in his approval of the plan or in his determination to hold the proceedings open until the plan was in fact submitted to him, after having received County agencies' approval. The Board is pleased to see in these particular proceedings that, along with the approval of a Development Plan, the children in the neighborhood are able to have a designated area for play.

The Appellants have raised four other issues which this Board has considered. They are that the soil type on the property testified by an expert witness was inaccurate, that the pumping station for the proposed development is not sufficient, that there will be adverse effect upon the wetlands and tree loss, and that safety of the general community will be affected as a result of an increase in crime produced by the approval of the proposed development.

Each of these remaining issues has been reviewed and considered by this Board. They were presented to the Hearing Officer and were considered and ruled upon. This Board does not find that the Hearing Officer was in any manner arbitrary or capricious in his consideration of these issues and his ruling as to each of them.

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In addition to the appeal from the approval of the Development Plan, the Board has before it a request for a variance for the proposed apartment building which will consist of 26 units. The Developer offered the testimony of Charles Stark, a licensed and registered engineer with George Stephens Associates. He testified that the Development Plan with the requested variance was prepared under his supervision, and that, due to the proposed location of the building, the parking lot and the necessity for a three-to-one ratio, a variance from Sections 504.2 and 1B01.2.C.2 of the Baltimore County Zoning Regulations (BCZR) was required. Specifically, the Developer is requesting a distance of 18 feet from the building face to the paving of a private street in lieu of the required 35 feet.

He testified that, because of the proposed location of the apartment, and the parking lot, and the slope ratio requirements, the variance is needed principally based upon topographic reasons. He further pointed out to the Board that the distance requirements under the regulations would ironically be less if it were to be a public road as opposed to a private road. He also pointed out that the variance would only apply to a small portion of the apartment unit. The Hearing Officer below granted the variance, finding that practical difficulty would exist for topographic reasons, and further found that the variance was necessary. This Board has reviewed the decision of the Hearing Officer, the site plan, and has further given consideration to the testimony of Mr. Stark. We agree with the Hearing Officer that the variance should be granted.

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It is well settled that area variances may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973) To prove practical difficulty for an area variance, the Petitioner must produce evidence to allow the following questions to be answered affirmatively:

1. Whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
2. Whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
3. Whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

The Board does not believe nor does it find that the granting of this variance is in any way contrary to the spirit of the BCZR and will not result in any injury to the public good or the local surrounding community. The testimony of Mr. Stark establishes that special circumstances or condition do exist as to this particular piece of land and structure, and that the requirements under the zoning regulations from which the Petitioner seeks relief would unduly restrict the use of the land due to those special conditions unique to this particular parcel.

After reviewing the entire record and the arguments of the parties, we do not find that the findings, conclusions and decision

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of the Hearing Officer exceeds the statutory authority or jurisdiction of the Hearing Officer; results from an unlawful procedure; is affected by any other error of law; is unsupported by competent, material, and substantial evidence in light of the entire record as submitted; or is arbitrary or capricious. We affirm the decision below approving the Development Plan and will so order. Further, the evidence presented to this Board supports a finding that the request for zoning variance from Sections 504.2 and 1B01.2.C.2 of the BCZR should be granted and will so order.

ORDER

IT IS THEREFORE THIS 11th day of June, 1993 by the County Board of Appeals of Baltimore County

ORDERED that the decision of the Hearing Officer dated April 7, 1993 approving the development plan for the Liberty Manor /Kimberly Apartments Addition (formerly Parcels D and E of the Village of Pine Run) be and the same is hereby AFFIRMED; and it is further

ORDERED that the Petition for Zoning Variance requesting relief from Sections 504.2 and 1B01.2.C.2 of the Baltimore County Zoning Regulations (Section II-25 of the Comprehensive Manual of Development Policies (C.M.D.P.)) to permit a distance of 18 feet from the building face to the paving of a private street in lieu of the required 35 feet, for the proposed apartment building in accordance with Developer's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1. The Petitioners may apply for their building permit

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and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

IT IS FURTHER ORDERED that the relief granted pursuant to this Order is contingent upon the Developer constructing the play area depicted on the plan dated March 23, 1993, and identified as Developer's Exhibit 2 below.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett, Chairman

Harry E. Bucu, Jr., Minister, Jr.

Michael B. Sauer

IN RE: DEVELOPMENT PLAN HEARING AND PETITION FOR ZONING VARIANCE - S/End of Green Lane, S of Southgreen Road (Liberty Manor/ Kimberly Apt. Addn.) and E/S Long Needle Court, 500' N of the c/l of Carlson Lane (101-105 Long Needle Court) Election District 2 Councilmanic District 2

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* FOR BALTIMORE COUNTY
* Case Nos. 11-138 and 93-202-A
* (Project No. 92-222-2)

Baker Land Company
Owner/Developer

HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN ORDER

This matter comes before the Hearing Officer/Deputy Zoning Commissioner for consideration of a development plan prepared by George W. Stephens, Jr. and Associates, Inc. for the proposed development of the subject property by its owner, Baker Land Company. The Developer proposes to construct 14 single family homes and add 26 apartment units to an existing apartment complex, known as the Liberty Manor Addition and Kimberly Apartments Addition (formerly Parcels D and E of the Village of Pine Run). The Developer also requests, pursuant to Case 93-202-A, a variance from Sections 504.2 and 1801.2.C.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) (Section II-25 of the Comprehensive Manual of Development Policies (C.M.D.P.)), to permit a distance of 18 feet from the building face to the paving of a private street in lieu of the required 35 feet, all as more particularly described on Developer's Exhibit 1.

Appearing at the public hearing required for this project were Charles K. Stark and Rick Chadsey, Professional Engineers with the engineering firm of G. W. Stephens, Jr. and Associates, Inc. who prepared the development plan for the subject site, and Martha S. Poehler, Property Manager for the Village of Pine Run. The developer was represented by

Anthony J. DiPaula, Esquire. Also appearing at the hearing were numerous representatives of various Baltimore County agencies as well as a few residents of the locale, namely, John Carrigan, Paul Schwab, and Ella Campbell, all of whom participated in the proceedings.

As to the history of this project, the concept plan conference was held on October 13, 1992 and the community input meeting was held on November 30, 1992. Subsequently, a development plan was submitted and a conference thereon was held on January 21, 1993. Following the submission of that plan, development plan comments were offered by the appropriate agencies of Baltimore County and a revised plan incorporating those comments was submitted at the hearing before me on February 11, 1993.

Testimony and evidence received indicated that the subject property, known as Liberty Manor Addition and Kimberly Apartments Addition (formerly Parcels D and E of the Village of Pine Run), consists of 12.7 acres, more or less, zoned D.R. 5.5, and is proposed for development in accordance with the plan submitted and identified as Developer's Exhibit 1. The Developer proposes to construct 14 single family dwellings on the north side of the subject site, said homes being consistent with other homes currently existing in the neighborhood. On the south side of the subject site, the Developer proposes to add 26 apartment units to the existing apartment complex known as the Village of Pine Run. The center section of the subject site contains a stream, wetlands and a forest buffer.

Several issues were raised concerning this project by both the Developer and the community. The first issue raised by residents of the community involved the over-capacity of Winfield Elementary School which is the school district in which the proposed development will occur. Jim Kraft, a representative of Baltimore County Public Schools, appeared and

offered testimony and evidence concerning the capacity of Winfield Elementary School. Mr. Kraft presented this Hearing Officer with enrollment reports for elementary schools in and around Baltimore County, including Winfield Elementary School. These reports, accepted into evidence as Hearing Officer's Exhibits 1 through 4, document the enrollment statistics for Winfield Elementary School as of September 21, 1992, September 30, 1992, October 30, 1992 and November 30, 1992. These documents clearly indicate that Winfield Elementary School is operating well over capacity. This fact was also confirmed by a letter dated February 4, 1993 from The Honorable Melvin G. Mintz, County Councilman for the 2nd District of Baltimore County. Said letter was accepted into evidence as Hearing Officer's Exhibit 8.

Inasmuch as this school district is over capacity, the need to apply Section 26-491, et seq., which Section regulates the interim development controls for elementary school capacity, becomes necessary. Specifically, Section 26-494 states that "If a school which is 20% over capacity adjoins an under-capacity school and the under-capacity school has enough spare capacity to accommodate all the extra students of all its adjacent over-capacity schools, then the school which is 20% over capacity is not subject to these controls." Mr. Kraft identified the adjacent elementary schools surrounding Winfield Elementary School. Specifically, Mr. Kraft identified Hernwood, Randallstown, Church Lane, Scotts Branch, Hebbville, Featherbed Lane, and Chadwick Elementary Schools as being adjacent elementary schools. Based on the testimony of Mr. Kraft and the enrollment figures presented to this hearing officer, which were accepted as Hearing Officer's Exhibit 6, there are sufficient under-capacity elementary schools adjacent to Winfield Elementary School to accommodate any and

all extra students that may result by virtue of the proposed development. Given this finding, the proposed development is not subject to the interim development controls for elementary schools as regulated in Section 26-491, et seq., of the Baltimore County Code.

While this first issue concerning the over-capacity of Winfield Elementary School has been resolved in favor of the Developer at this time, it does not mean that the Developer is forever relieved of complying with the regulations governing the overcrowding of elementary school districts. It is the understanding of this Hearing Officer that this Developer would be prohibited from obtaining a building permit, recording a plat, obtaining a grading permit, or executing any Public Works Agreement (PWA) should the numbers and statistics concerning these elementary schools previously cited change in a manner that would prohibit this Developer from moving forward with his development. That is, this Developer has many stages yet to perform in the development process. The school capacity for Winfield Elementary School and the surrounding school districts shall be further checked to insure that at each stage of development, the developer meets the standards and dictates provided pursuant to Section 26-491, et seq., of the Baltimore County Code.

Another issue was raised concerning the statistics set forth in Note 18 on the Development Plan. Note 18 indicates that the 1992 enrollment for Winfield Elementary School was 536 students. That number should be changed to reflect the latest figures presented by Mr. Kraft as depicted on Hearing Officer's Exhibit 4 which shows Winfield Elementary School to have a total number of students of 599. These were the latest figures presented to this Hearing Officer at the hearing and Note 18 should be changed accordingly. Note 18 on the Development Plan also states that the

school capacity for Winfield Elementary School. According to the document presented to me by Mr. Kraft, marked Hearing Officer's Exhibit 6, the capacity of Winfield Elementary School is 450. Therefore, Note 18 should be corrected to show the school capacity for Winfield Elementary School to be 450, in accordance with the documentation submitted by Mr. Kraft.

The next issue raised by the citizens concerned the relocation of a play area used by the children in the neighborhood from an area that is now proposed for development to a parcel of land located adjacent to the proposed development on property owned by Baltimore County. The Developer has been given initial approval by the Board of Education and the Department of Recreation and Parks concerning the utilization of this property for the construction of a play area. The permission to use this property was obtained at the "eleventh hour" and at this time, is in its conceptual phase. Therefore, the Developer shall submit a plan depicting the proposed play area to both Baltimore County and the citizens who appeared at this hearing for their review and approval. Inasmuch as this issue could not be resolved at the time of the hearing, the record was kept open indefinitely for all parties to develop a plan for the construction of a new play area. The Developer has satisfied this request and has met with the Department of Recreation and Parks and the Board of Education for the purpose of developing a plan for the proposed play area. A copy of the approved plan, dated March 23, 1993, was submitted to the community groups involved and to this Deputy Zoning Commissioner for review and consideration. I find this plan to be acceptable. The play area shall be relocated in accordance with that plan, which has been included in the file and identified as Developer's Exhibit 2.

Another issue raised by the community concerned the soil types that exist on the parcel slated for development. Testimony presented by Rick Chadsey demonstrated that the soil types on the subject property are "C" and "D". He stated that the classification of the soils deals with the hydraulic nature of the soil itself; that is, the ability of water to run off of the soil as opposed to being absorbed. Mr. Chadsey stated that he is aware of rock outcroppings located on the subject site, but feels that heavy equipment, such as backhoes and bulldozers would be sufficient to do whatever grading and/or excavation is needed for this development. He does not anticipate having to do any blasting for any excavation which must take place. However, testimony indicated that in the event blasting is needed, said blasting will be supervised by the State of Maryland and all safety measures will be followed.

John Carrigan, who resides at the corner of South Green Road and Green Lane, testified as to his familiarity with the soils in this area. Mr. Carrigan stated that there is a very high concentration of rock in this area. He feels the Developer will encounter difficulty in performing any excavation on site. Much of the concern raised pursuant to this issue is speculation at this point. No one can say at this time what soils will be discovered in those areas where excavation will actually take place. Given the speculative nature of this issue, it is not appropriate to render a decision at this time. Suffice it to say that should this Developer encounter rock when excavating, he will use best management practices and follow all guidelines associated with excavation as is necessary. Therefore, I do not believe this issue to be relevant at this time and should not prevent this plan from being approved.

Another issue was raised concerning the pumping station which will be utilized to control the sewage by virtue of the proposed development. The Developer testified that there is no over-capacity problem concerning the pumping station for the proposed development and that said pumping station was constructed in anticipation of additional development such as that proposed by this Developer. Therefore, I find the pumping station is sufficient to handle this proposed development and should not prevent this plan from being approved.

Another issue was raised concerning the wetlands that exist on the subject site. The Developer offered testimony that all wetlands found to exist on the subject site are contained within the open space area set aside on the Development Plan. Testimony revealed that all forest buffer easements have been observed and that no variances are being requested for same. Testimony further revealed that there will be no adverse effect upon any wetlands associated with the subject property. I find that this developer has adequately addressed all wetland issues and this should not prevent the plan from being approved.

The residents of the area also raised an issue concerning the loss of 14 mature trees that exist in the area slated for the proposed single family dwellings. These trees have been identified on Developer's Exhibit 1 as small dots situated on Lots 2, 3 and 4 and into the cul-de-sac. The Developer offered testimony that there was no way to design the single family dwellings in a manner that would alleviate the loss of these trees and that he had no alternative but to situate the proposed homes in the manner depicted on the plan. I find that given the topography of the land and the proposed location for the subject dwellings, there is no way to preserve the trees in question. As a trade-off, the Developer stated

that he decided not to construct townhomes on this area of the site, but has instead proposed all single family dwelling units, which will be in keeping with the character and nature of other homes currently existing in the surrounding community.

A final issue was raised by Mr. Carrigan concerning a safety factor associated with the construction of the proposed 26 apartment units. Mr. Carrigan testified that inherent with apartment living is the attraction of transient residents who do not establish roots in the community. He feels there is a high level of crime associated with apartments and a high level of drug use. He has lived in this community for the past 13 years and has seen the crime rate continue to rise as more apartments are built in the area.

Ms. Martha Poehler testified concerning this issue on behalf of the Developer. Ms. Poehler is the Manager for the Village of Pine Run apartment complex in which the proposed 26 apartment units will be added. She has worked at this location for the past 14 years. Ms. Poehler testified that the rent for the proposed units, which will be two bedroom/two bath units, will be approximately \$550 per month. She testified that the vacancy rate at her apartment complex is less than two percent. She testified that her management company is very successful at weeding out undesirable tenants and that they have no problems concerning crime or any other problems in her apartment complex. I was satisfied after hearing her testimony that the additional 26 apartment units proposed will not contribute in any way to the crime rate that currently exists in the area as was testified to by Mr. Carrigan. Therefore, I do not believe that this issue should prevent the construction of the proposed additional apartment units.

In addition to seeking approval of the subject Development Plan, the Developer is also requesting a variance for the proposed building which will house the additional 26 apartment units. Due to the topography of the land, it was necessary to locate the proposed building in the manner depicted on Developer's Exhibit 1. As such, the variance requested is necessary and should be granted.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the require-

ments from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

As to the development plan submitted, Section 26-206 of the Development Regulations permits me to approve this project if same is in compliance with said regulations. In this respect, I am persuaded that the Developer has met his burden and shall so approve the Development Plan as submitted, consistent with the comments and restrictions imposed pursuant to this Order.

Therefore, pursuant to the development regulations of Baltimore County as contained within Subtitle 26 of the Baltimore County Code, the advertisement of the property and the public hearing held thereon, I will approve the development plan, marked Developer's Exhibit 1, consistent with the comments contained herein and shall so order. Furthermore, the variance relief requested shall be granted, subject to the restrictions set forth hereinafter.

Therefore, IT IS ORDERED by the Hearing Officer for Baltimore County this 27th day of April, 1993 that the development plan for the proposed construction of 14 single family homes and 26 additional apartment units in the existing complex, known as the Liberty Manor Addition and Kimberly Apartments Addition (formerly Parcels D and E of the Village of Pine Run), be and is hereby APPROVED; and,

IT IS FURTHER ORDERED that the Petition for Zoning Variance requesting relief from Sections 504.2 and 1B01.2.C.2 of the Baltimore

County Zoning Regulations (B.C.Z.R.) (Section II-25 of the Comprehensive Manual of Development Policies (C.M.D.P.)), to permit a distance of 18 feet from the building face to the paving of a private street in lieu of the required 35 feet, for the proposed apartment building in accordance with Developer's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that, proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

IT IS FURTHER ORDERED that the relief granted pursuant to this Order is contingent upon the Developer constructing the play area depicted on the plan dated March 23, 1993 and identified herein as Developer's Exhibit 2.

Any appeal of this decision must be taken in accordance with Section 26-209 of the Baltimore County Code.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Hearing Officer for
Baltimore County

TMK:bjs

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

April 7, 1993

Anthony J. DiPaula, Esquire
614 Bosley Avenue
Towson, Maryland 21204

RE: DEVELOPMENT PLAN HEARING AND PETITION FOR ZONING VARIANCE
S/End of Green Lane, S of Southgreen Road (Liberty Manor/Kimberly Apt. Addn.) and W/S Long Needle Court, 500' N of the c/l of Carlson Lane (101-105 Long Needle Court)
Election District 2 - Councilmanic District 2
Baker Land Company - Owner/Developer
Case Nos. 11-138 and 93-202-A

Dear Mr. DiPaula:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Development Plan and Petition for Zoning Variance have been approved in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management Office at 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. John Carrigan
3239 Southgreen Road, Baltimore, Md. 21244

Mr. Paul J. Schwab
101 E. Chesapeake Avenue, 5th Floor, Baltimore, Md. 21286

Ms. Ella Campbell
8544 Stevenswood Road, Baltimore, Maryland 21244

People's Counsel; File

Petition for Variance

93-202-A
to the Zoning Commissioner of Baltimore County
for the property located at 101-105 Long Needle Ct.
Green Pine Court - 2nd Election District
which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 504.2 and 1B01.2C2 (CMDF II-22)
To permit a distance of 18 feet from building face to the paving of a private street in lieu of the required 35 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty due to characteristics of property and desire to make parking convenient to apartments.)

Property is to be posted and advertised as prescribed by Zoning Regulations.

or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of the petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law of Baltimore County.

Contract Purchaser/Lessor

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

City

State

Zipcode

101-105 Long Needle Ct.
Green Pine Court - 2nd Election District
Towson, Maryland 21204

614 Bosley Avenue 828-9441
Towson, Maryland 21204

(We solemnly declare and affirm, under the penalties of perjury, that we are the legal owner(s) of the property which is the subject of this Petition.)

Legal Owner(s)

Baker Land Company

(Type or Print Name)

Signature

Address

City

State

Zipcode

10 Parks Avenue 561-1300
Cockeysville, Maryland 21030

Charles K. Stark
Name: George W. Stephens, Jr. & Associates, Inc.
658 Koniwirth Drive, Suite 100 825-8120
Towson, Maryland 21204 Phone No.

OFFICIAL USE ONLY

ESTIMATED LENGTH OF HEARING

Responsible for Hearing

Next Two Months

ALL

OTHER

REVIEWED BY: LG DATE: 12/1/92

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.
ENGINEERS
658 KONIWIRTH DRIVE, SUITE 100, TOWSON, MARYLAND 21204

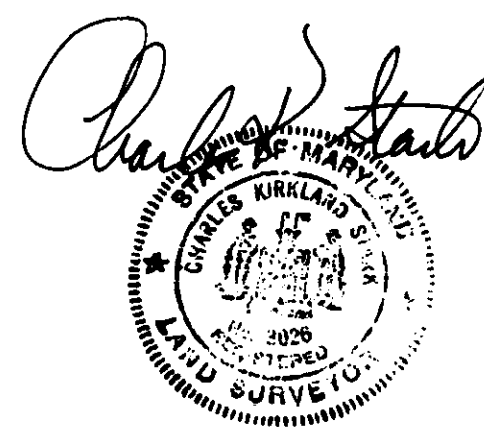
Description to Accompany
Petition for Variance.

November 9, 1992

Beginning for the same on the northeast right-of-way line of Green Lane (60 feet wide) at the distance of 122 feet more or less measured southeasterly by a curve to the south with a radius of 634.40 feet from the center of Southgreen Road thence

- 1 - North 48° 23' 37" East 140.45 feet thence
 - 2 - South 39° 07' 38" East 156.81 feet thence
 - 3 - North 50° 52' 22" East 124.25 feet thence
 - 4 - South 39° 09' 15" East 613.91 feet thence
 - 5 - South 39° 20' 38" East 485.22 feet thence
 - 6 - South 61° 08' 40" West 331.63 feet thence
 - 7 - South 63° 02' 53" West 135.51 feet thence
 - 8 - North 38° 40' 11" West 596.31 feet thence
 - 9 - North 87° 14' 48" West 237.83 feet thence
 - 10 - North 2° 39' 00" West 175.42 feet thence
 - 11 - North 14° 51' 18" West 232.74 feet thence
 - 12 - North 53° 04' 42" East 146.76 feet to the northeast right-of-way line of Green Lane thence binding on said right-of-way
 - 13 - Northwest by a line curving to the west with a radius of 634.40 feet for an arc distance of 41.87 feet to the place of beginning.
- Containing 12.7 acres of land more or less.

THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY.



Certificate of Posting

93-202-A

District: 2nd

Posted for: Variance

Date: 1/20/93

Petitioner: Baker Land Company

Location: 101-105 Long Needle Ct., 500' N of Carlson Lane, 101-105 Long Needle Ct.

Sign: Post at end of Green Lane, on property of Petitioner

With: 1

Date of RTD: 1/20/93

CERTIFICATE OF PUBLICATION

TOWSON, MD., 1/15, 1993

THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 1/14, 1993

THE JEFFERSONIAN,

S. Zehe Publisher

Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Date

12-07-92

PUBLIC HEARING FILES

020 CONTING. (BRIEFER) (OTHER)

LAST DATE OF HEARING: 12-07-92

Account: R-001-6150

Number

93-202-A

Please Make Checks Payable To: Baltimore County

Cashier Validation

93-202-A

MARYLAND COUNTY, MARYLAND

OFFICE OF THE COMPTROLLER & REVENUE DIVISION

MISCELLANEOUS CASH RECEIPT

No. **18263**

DATE **5/6/93** ACCOUNT **R-001-6150** # **140**

AMOUNT \$ **175.00**

PAYEE NAME **LICIA GRACE WHITE / STEVENS WOOD IMPROVEMENT**

FOR USE OF **FIDELITY FINANCIAL SERVICES / 161-105 LONG BRIDGE COURT JAFFE MO. 73-202-A - APPEAL**

CHECK NO. **33A011414CHRC** \$ **\$175.00**

SIGNATURE OF OFFICIAL _____
VALIDATING OR SIGNATURE OF CLERK _____

COMPTROLLER AND CLERK
DAVID L. COOPER JR. **JACQUELYNNE A. COOPER**

BALTIMORE COUNTY, MARYLAND
OFFICE OF POLICE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE 5/6/93 AMOUNT R-001-6150

AMOUNT \$ 250.00


RECEIVED
FROM: STEVENSON IMPROVEMENT Assoc.
LIBERTY MORGAN/KIMBOLLY H04H
FOR: 101-105 Lombard St Cour - APPEAL
CASE NO. II-138

03A03W01121MCRH \$250.00
04-0093-0432905-04-93
VALIDATION OR SIGNATURE OF CLERK

UNIT NO. 1001 PUN. ASST. YELCH - CASHIER

111 West Chesapeake Avenue
Towson, MD 21204

Baltimore County Government
Office of Zoning Administration
and Development Management



JUN 11 1995

(410) 887-3353

NOTICE OF HEARING

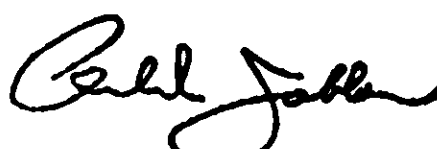
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-202-A
1/5 Long Middle Court, 500' +/- N of c/l Carlson Lane
101-105 Long Middle Court
(Liberty Manor Addition & Kimberley Apartments Addition, 1/4 s/4 Parcela "D" & "E", Village of Pine Run)
2nd Election District - 2nd Councilmanic
Petitioner(s): Baker Land Company
HEARING: THURSDAY, FEBRUARY 11, 1993 at 2:00 p.m. in Rm. 118, Old Courthouse.


Variance to permit a distance of 18 feet from building face to paving a private street in lieu of the required 35 feet.




Arnold Jablon
Director

cc: Baker Land Company
Edward C. Crowley, Jr., Esq.

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

 Printed on Recycled Paper


Baltimore County Government
Office of Zoning Administration
and Development Management



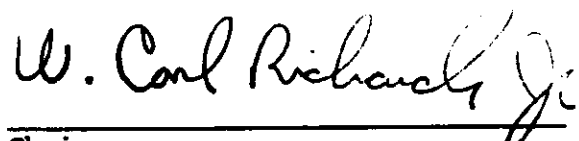
111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this
8th day of December 1992.




ARNOLD JABLON
DIRECTOR

Received By:


Chairman,
Zoning Plans Advisory Committee

Petitioner: Baker Land Company
Petitioner's Attorney: Edward C. Covahey, Jr.

 Printed on Recycled Paper

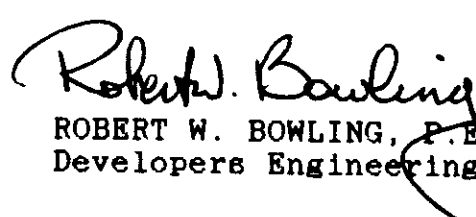
BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: December 24, 1992
Zoning Administration and Development Management


FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for December 28, 1992
Item No. 200

The Developers Engineering Division has reviewed the subject zoning item. This site is subject to the Development Plan comments.


ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:DAK:s

 **Maryland Department of Transportation
State Highway Administration**

O. James Lighthizer
Secretary
Hal KaSoo
Adminstrator

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204


Re: Baltimore County
Item No.: + 200 (LJG)
BAKER LAND COMPANY

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

John Contestabile, Chief
Engineering Access Permits
Division

My telephone number is 410-333-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 505-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: December 22, 1992

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee
(December 21, 1992)

The Office of Planning and Zoning has no comments on the following petitions:

Shirley and Ronda Swab, Item No. 190
Robert and Marianne Gillette, Item No. 199
Baker Land Company, Item No. 200
Kenneth and Carol Lentz, Item No. 201
Aubrey and Ruth Freeman, Item No. 202
James and Josephine Hartman, Item No. 206

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning at 887-3211.

Prepared by: Francis Morsey

Division Chief: _____

PK/FH:rdn

190.200/ZAC1

Rec'd 1/4/93

DPW/Traffic Engineering
Development Review Committee Response Form
Authorized signature _____ Date 12/28/92

Project Name
File Number Waiver Number Zoning Issue Meeting Date

✓ Nancy E. and David M. Paige 194 N/C 12-14-92
RP STP TE

COUNT 1

✓ Robert E. Ryan and Marianne H. Gillette 199 N/C 12-21-92
DED DEPRM RP STP TE

✓ Baker Land Company 200 N/C

DED DEPRM RP STP TE

✓ Kenneth E. and Carol C. Lentz 201 N/C

DED DEPRM RP STP TE

✓ Aubrey N. and Ruth N. Freeman 202 N/C

DED DEPRM RP STP TE

COUNT 4

Stonegate at Patapsco (Aerial Property) 6-1-92
90476 ZON DED TE (Waiting for developer to submit plans first)

COUNT 1

FINAL TOTALS
COUNT 6

*** END OF REPORT ***

Rec'd 1/4/93

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: January 6, 1993

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #200
101 - 105 Long Needle Court
Zoning Advisory Committee Meeting of December 21, 1992.

The Department of Environmental Protection and Resource Management offers the following comments on the above referenced zoning item.

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

LP:sp

LONGNEED/TXTSBP

Rec'd 1/14/93

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5506

DECEMBER 28, 1992

(410) 887-1500

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: BAKER LAND COMPANY

Location: #101-105 LONG NEEDLE COURT

Item No.: +200 (LJC) Zoning Agenda: DECEMBER 2, 1992

Gentlemen:

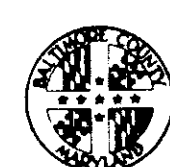
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

REVIEWER: John A. ...
Planning Group
Special Inspection Division

JP/REK

Rec'd 1/14/93



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room -
Room 48, Old Courthouse May 14, 1993

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c). COUNTY COUNCIL BILL NO. 59-79.

CASE NO. CBA-93-130 LIBERTY MANOR /KIMBERLY APTS ADDITION
LIBZAD 11-138

RE: Approval of Development Plan

AND
CASE NO. 93-202-A

BAKER LAND COMPANY

VAR -Distance from bldg face to paving

of private street

4/07/93 -DEC's decision in which the plan known as Liberty Manor /Kimberly Apts Addition was APPROVED; and Petition for Variance GRANTED.

S/end Green Lane, S of Southgreen Rd and E/s Long Needle Court, 500' N of the c/l of Carlson Lane (101-105 Long Needle Court) 2nd E; 2nd C

ASSIGNED FOR: THURSDAY, MAY 27, 1993 AT 10:00 a.m.

cc: Ms. Ella White Campbell Appellants /Protestants
Stevenswood Improvement Assn.
Ms. Lorraine Dailey
Merrymount Community Assn. Appellants /Protestants
Mr. Anthony Alston
Liberty Manor Imp. Assn. Appellants /Protestants
Anthony J. DiPaula, Esquire Counsel for Petitioner
Baker Land Company
G. W. Stephens, Jr., & Assoc, Inc. Petitioner
Mr. John Carrigan
Mr. Paul J. Schwab
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr.
Docket Clerk /ZADM
Donald T. Rascoe /ZADM
Arnold Jablon, Director/ZADM
Developers Engineering
Economic Development Commission
Michael Moran, Assoc. County Attorney

Kathleen C. Weidenhammer
Administrative Assistant

Printed on Recycled Paper

5/14/93 -Notice of Assignment sent to following for hearing scheduled for Thursday, May 27, 1993 at 10:00 a.m.:

Ms. Ella White Campbell
Stevenswood Improvement Assn.
Ms. Lorraine Dailey
Merrymount Community Assn.
Mr. Anthony Alston
Liberty Manor Imp. Assn.
Anthony J. DiPaula, Esquire
Baker Land Company
G. W. Stephens, Jr., & Assoc, Inc.
Mr. John Carrigan
Mr. Paul J. Schwab
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr.
Docket Clerk /ZADM
Donald T. Rascoe /ZADM
Arnold Jablon, Director/ZADM
Developers Engineering
Economic Development Commission
Michael Moran, Assoc. County Attorney

PETITION TO ACCOMPANY APPEAL REQUEST

In accordance with the requirements of Bill 41-92, within 10 days of the date the appeal request and fee of \$250.00 is filed, the appellant should complete this petition and submit it to the office of Zoning Administration and Development Management. This petition is vital in order for the appeal to be accepted for processing by the County Board of Appeals.

NAME AND MAILING ADDRESS OF APPELLANT(S):

Ella White Campbell 8544 Stevenswood Road Baltimore, MD 21244
John Carrigan 3239 Southgreen Road Baltimore, MD 21244
Lorraine Dailey 3502 Melody Lane Baltimore, MD 21244
Anthony Alston 5510 Northgreen Road Baltimore, MD 21244
Stevenswood T. A. 8544 Stevenswood Road Baltimore, MD 21244
Merrymount C. Assoc. 3502 Melody Lane Baltimore, MD 21244
Liberty Manor I. A. 5510 Northgreen Road Baltimore, MD 21244

ACTION BEING APPEALED: The decision of the Hearing Officer in Case Nos. 11-138 and 93-202-A, Project No. 92-222-Z (Liberty Manor/Kimberly Apartments Addition)

GROUND(S) FOR THE APPEAL and reasons why the Action appealed should be reversed or remanded:

1. No proof of practical difficulty to justify variance.
2. Factual errors in the enrollment figures of Winfield Elementary School and adjoining elementary schools.
3. Failure to follow through on Community Input Meeting agreements.
4. Development Plan and variance will result in injury to the safety, health and general welfare of surrounding communities by creating an educational crisis with over enrollment in our elementary schools, by destroying our wetlands and impacting adversely on storm-water run-off, by endangering our health by creating an over-capacity problem at the pumping station and possible blasting to accommodate development, by congesting our streets with additional traffic, and by creating a safety problem with an overload of transient residents.

RELIEF SOUGHT: Denial of developer's request unless Baltimore County will build a new pumping station to accommodate the new developments and current population in area, install larger sewer pipes, assign additional policemen to the Woodlawn Precinct, build a new elementary school or expand Winfield elementary and assign the staff and support services to accommodate the over-capacity enrollment at Winfield and adjoining schools.

E. Issue Five: Wetlands Encroachment and Tree Loss

The community feels that there will be an adverse effect upon the wetlands associated with the subject property. The loss of trees will adversely impact on stormwater drainage and the aesthetic aura of our communities.

F. Issue Six: Safety Factor

The testimony of Ms. Poehler is unsatisfactory without accompanying police documentation as to frequency of calls to the current Village of Pine Run Apartment Complex. Recent studies have documented the close correlation between increase in apartments and increase in crime.

Summary: The approval of this development plan and area variance will result in injury to the public good. The communities of Stevenswood, Merrymount and Liberty Manor are tranquil, safe, healthy communities. The granting of the Petitioner's request will impact adversely on the education of our children and on the safety and general welfare of our communities. Our wetlands and trees will be destroyed. Many homes may be damaged if blasting occurs. Since the area once consisted of an asbestos mine within a close proximity, there is a health hazard connected with disturbing anymore ground. Residents already experience a pressure problem because of the adequacy of the Pumping Station to handle the over development. Consequently, our health will be imperiled by the approval of this development plan and variance. This development will also add to the existing traffic congestion on our major thoroughfares. The Development and variance will result in dire injury to the public good.

Baltimore County Government
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, MD 21204
(410) 887-3353
May 6, 1993

Anthony J. DiPaula, Esquire
Covahey and Booser
614 Bosley Avenue
Towson, MD 21204

RE: Petition for Zoning Variance and
Development Plan Hearing
S/End of Green Lane, S of Southgreen Rd (Liberty
Manor/Kimberly Apt. Addn.) and E/S Long Needle
Court, 500' N of the c/l of Carlson Lane
(101-105 Long Needle Court)
2nd Election District
2nd Councilmanic District
Baker Land Company-PETITIONER
Case No. 93-202-A and 11-138

Dear Mr. DiPaula:

Please be advised that an appeal of the above-referenced case was
filed in this office on May 5, 1993 by Ella White Campbell,
President, Stevenswood Improvement Association. All materials relative
to the case have been forwarded to the Board of Appeals.

If you have any questions concerning this matter, please do not
hesitate to contact Julie Winiarski at 887-3391.

Sincerely,

Arnold Jablon
ARNOLD JABLON
Director

AJ:jaw

cc: Mr. John Carrigan
Mr. Paul J. Schwab
Ms. Ella White Campbell
Ms. Lorraine Dailey
Mr. Anthony Alston
People's Counsel

County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180
June 11, 1993

Ella White Campbell, President
Stevenswood Improvement Association
8544 Stevenswood Road
Baltimore, MD 21244

RE: Case No. CBA-93-130 (Liberty Manor /Kimberly
Apts. Addn. /ZADM 11-138) and Case No. 93-202-A
(Baker Land Company)

Dear Ms. Campbell:

Enclosed please find a copy of the final Opinion and Order
issued this date by the County Board of Appeals of Baltimore County
in the subject matter.

Sincerely,

Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Assistant

encl.

cc: Peter Max Zimmerman, Esquire
Office of People's Counsel
Ms. Lorraine Dailey /Merrymount Comm. Assn.
Mr. Anthony Alston /Liberty Manor Imp. Assn.
Anthony J. DiPaula, Esquire
Baker Land Company
G. W. Stephens, Jr., & Assoc., Inc.
Mr. John Carrigan
Mr. Paul J. Schwab
P. David Fields
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr.
Docket Clerk /ZADM
Donald Rascoe /ZADM
Arnold Jablon, Director/ZADM
Developers Engineering
Economic Development Commission
Michael J. Moran, Asst. County Attorney

APPEAL

Petition for Zoning Variance and Development Plan Hearing
S/End of Green Lane, S of Southgreen Road (Liberty
Manor/Kimberly Apt. addn.) and E/S Long Needle Court,
500' N of the c/l of Carlson Lane
(101-105 Long Needle Court)
2nd Election District - 2nd Councilmanic District
BAKER LAND COMPANY-PETITIONER
Case No. 93-202-A and 11-138

Petition(s) for Zoning Variance

Plat to Accompany Petition for Variance

Description of Property

Certificate of Posting

Certificate of Publication

Zoning Plans Advisory Committee Comments

Development Plan Conference Comments

Petitioner(s) and Protestant(s) Sign-In Sheets (HOM)

Petitioner's Exhibits: 1 - Revised Development Plan (01/21/93)
2 - Liberty Manor Community Playground Plan

Protestant's Exhibits: 1 - Elementary School Enrollment Report
2 - Elementary School Enrollment Report
3 - Elementary School Enrollment Report
4 - Elementary School Enrollment Report
5 - Baltimore County Development Controls
Elementary Schools - October 1, 1992
6 - Elementary School Education Program
Capacity List
7 - Dev. Controls for Elementary Schools
8 - Letter (Councilman Mintz)

Community Input Meeting Minutes

Community Input Meeting Sign-in Sheets

Community Input Meeting Agency Comments

Deputy Zoning Commissioner's Order dated April 7, 1993 (Approved)

Notice of Appeal received on May 5, 1993 from Ella White Campbell,
President, Stevenswood Improvement Association

cc: Anthony J. DiPaula, Esquire, Covahey and Booser, 614 Bosley
Avenue, Towson, MD 21204
Mr. John Carrigan, 3239 Southgreen Road, Baltimore, MD 21244
Mr. Paul J. Schwab, 101 E. Chesapeake Avenue, 5th Floor,
Baltimore, MD 21286
Ms. Ella White Campbell, President, Stevenswood Improvement
Association, 8544 Stevenswood Road, Baltimore, MD 21244
Ms. Lorraine Dailey, Merrymount Community Association, 3502 Melody
Lane, Baltimore, MD 21244
Mr. Anthony Alston, President, Liberty Manor Improvement
Association, 5510 Northgreen Road, Baltimore, MD 21244
People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
Timothy M. Kotroco, Deputy Zoning Commissioner
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, Director of ZADM
Donald Rascoe, Development Manager
Michael Moran, Associate County Attorney

APPEAL

Petition for Zoning Variance
S/End of Green Lane, S of Southgreen Road (Liberty
Manor/Kimberly Apt. addn.) and E/S Long Needle Court,
500' N of the c/l of Carlson Lane
(101-105 Long Needle Court)
2nd Election District - 2nd Councilmanic District
BAKER LAND COMPANY-PETITIONER
Case No. 93-202-A

Petition(s) for Zoning Variance

Plat to Accompany Petition for Variance

Description of Property

Certificate of Posting

Certificate of Publication

Zoning Plans Advisory Committee Comments

Petitioner(s) and Protestant(s) Sign-In Sheets

Deputy Zoning Commissioner's Order dated April 7, 1993 (Approved)

Notice of Appeal received on May 5, 1993 from Ella White Campbell,
President, Stevenswood Improvement Association

cc: Anthony J. DiPaula, Esquire, Covahey and Booser, 614 Bosley
Avenue, Towson, MD 21204
Mr. John Carrigan, 3239 Southgreen Road, Baltimore, MD 21244
Mr. Paul J. Schwab, 101 E. Chesapeake Avenue, 5th Floor,
Baltimore, MD 21286
Ms. Ella White Campbell, President, Stevenswood Improvement
Association, 8544 Stevenswood Road, Baltimore, MD 21244
Ms. Lorraine Dailey, Merrymount Community Association, 3502 Melody
Lane, Baltimore, MD 21244
Mr. Anthony Alston, President, Liberty Manor Improvement
Association, 5510 Northgreen Road, Baltimore, MD 21244
People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
Timothy M. Kotroco, Deputy Zoning Commissioner
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, Director of ZADM
Donald Rascoe, Development Manager
Michael Moran, Associate County Attorney

Stevenswood Improvement
Association, Inc.
8544 Stevenswood Road
Baltimore, MD 21244

(410) 887-3353 (932-781) John Carrigan
(410) 887-3295 Fax (932-4124) ARNOLD JABLON

Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Admin.
111 West Chesapeake Avenue
Towson, MD 21204

May 5, 1993

Dear Mr. Jablon:

The Stevenswood Improvement Association, Merrymount Association and
Liberty Manor Improvement Association are appealing the decision of
the Hearing Officer's final decision on the zoning variance and
development plan for Liberty Manor/Kimberly Apt. Addn. (Case Nos.
11-138 and 93-202-A-Project No. 92-222-2) development. The
applicable appeal filing fee is enclosed. A petition supporting
the appeal will be forthcoming.

Correspondence concerning this appeal, and notice of the Board of
Appeals hearing date should be sent to:

Ella White Campbell, President
Stevenswood Improvement Association
8544 Stevenswood Road
Baltimore, MD 21244

Lorraine Dailey
Merrymount Community Assoc.
3502 Melody Lane
Baltimore, MD 21244

Anthony Alston, President
Liberty Manor Improvement Assoc.
5510 Northgreen Road
Baltimore, MD 21244

Sincerely,

Ella White Campbell
Ella White Campbell, President
Stevenswood Improvement Association

RECEIVED
PAYMENT
5/5/93
ZONING OFFICE

PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

NAME	ADDRESS
JOHN CARRIGAN	3239 SOUTHGREEN RD.
Paul J. Schwab	BALTIMORE, MD 21244
F. Hill	1171 Southgreen Rd, Baltimore, MD 21244
Ella White Campbell	8544 Stevenswood Road, Baltimore, MD 21244
David Fields	354 - 2nd Floor, Baltimore, MD 21204

PLEASE PRINT CLEARLY

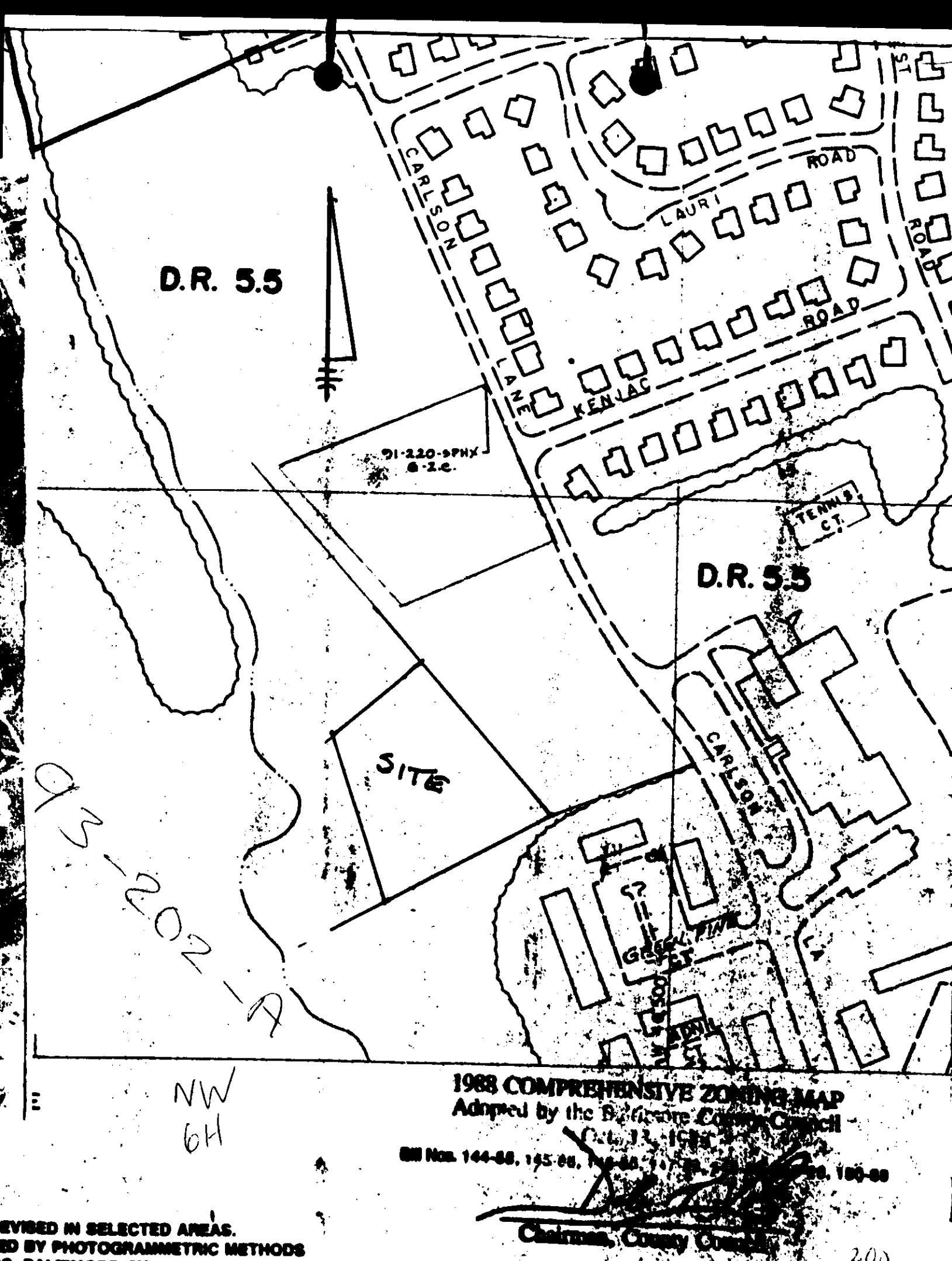
CITIZEN SIGN-IN SHEET

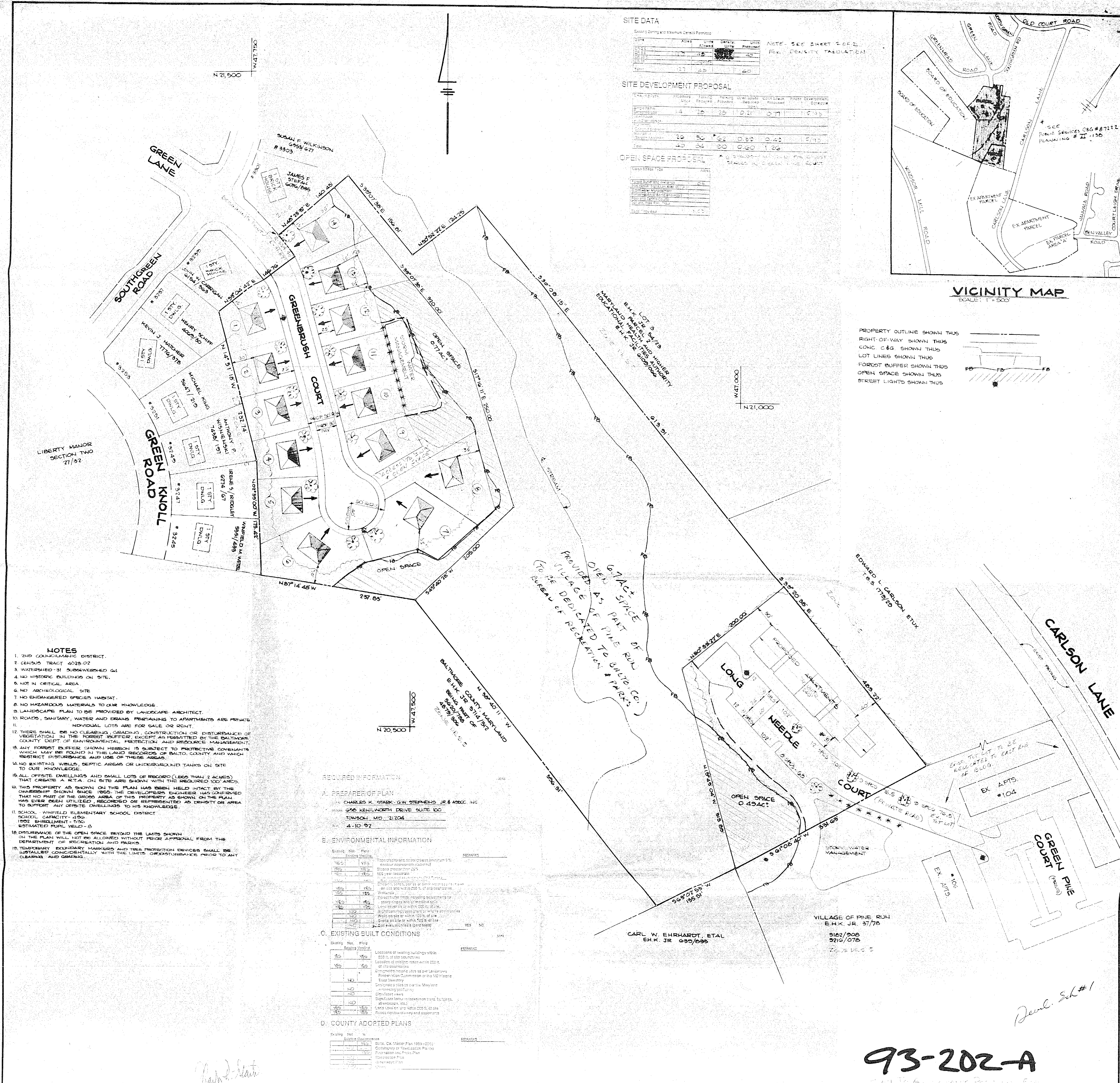
NAME	ADDRESS
Carol McEwen	2600 - 1st
Jim KRAFT	BALTIMORE COUNTY PUBLIC SCHOOLS
David Fields	Councilman's Realty
KURT KUGELBERG	ZADM

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Anthony J. DiPaula, Esq.	614 BOSLEY AVE. TOWSON, MD 21204
CHARLES K. STARK, Esq.	C-11, STEPHENS
MARSHA E. FISHER	2471 KENILWORTH DR 21204
RICK CHADSEY	4640 BOSLEY AVE 21204
	658 KENILWORTH DR 21204





SITE DATA

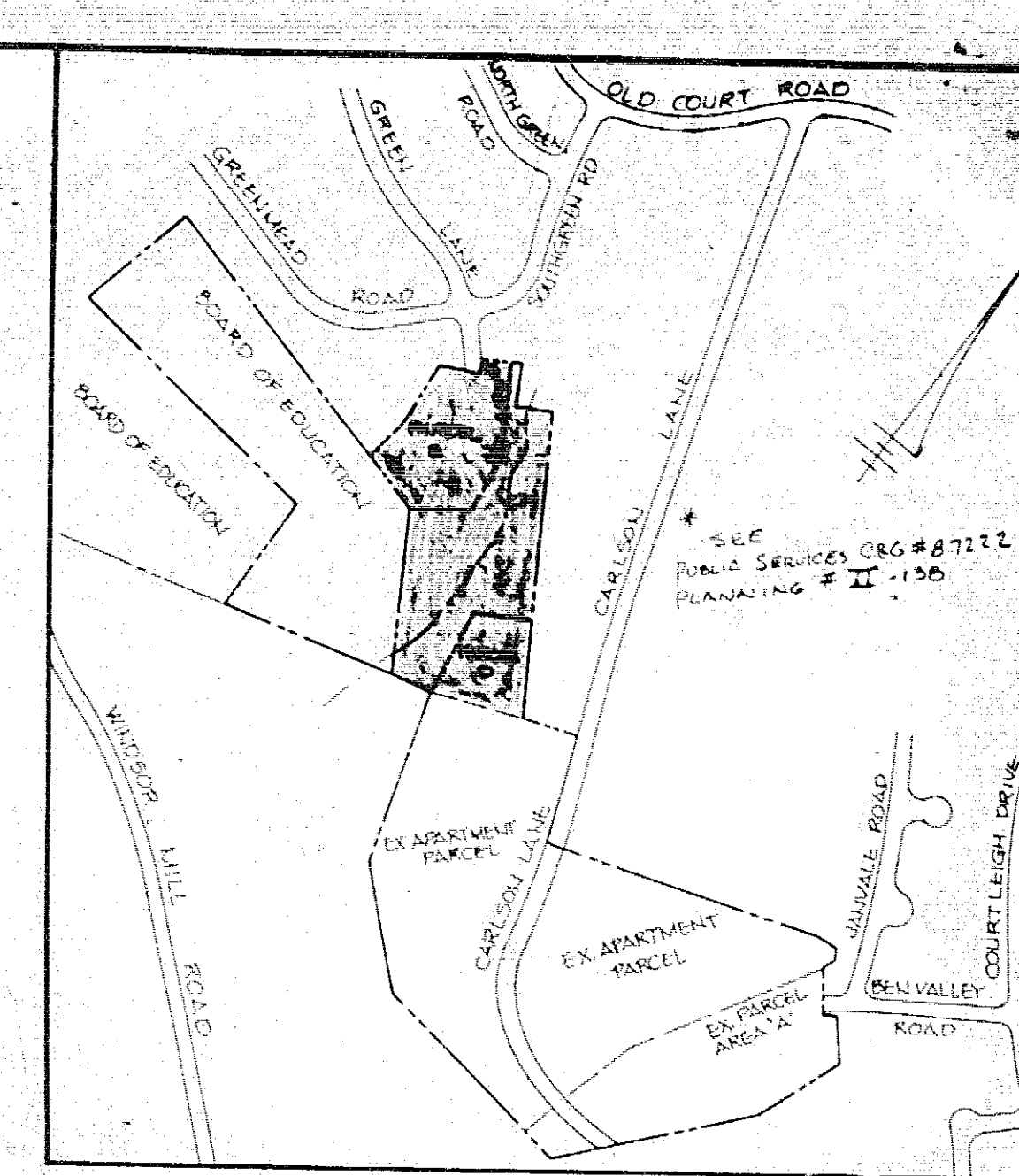
Item	Value
Parcel No.	93-202-A
Area	1.00
Volume	1.00
Weight	1.00
Value	1.00
Area	1.00
Volume	1.00
Weight	1.00
Value	1.00

SITE DEVELOPMENT PROPOSAL

Category	Item	Value
Total	Area	1.00
	Volume	1.00
Total	Area	1.00
	Volume	1.00
Total	Area	1.00
	Volume	1.00

OPEN SPACE PROPOSAL

Category	Item	Value
Total	Area	1.00
	Volume	1.00
Total	Area	1.00
	Volume	1.00
Total	Area	1.00
	Volume	1.00



- NOTES**
1. 2ND COUNCILMANIC DISTRICT.
 2. CENSUS TRACT 4028.02.
 3. WATERSHED 31. SUBWATERSHED 04.
 4. NO HISTORIC BUILDINGS ON SITE.
 5. NOT IN CRITICAL AREA.
 6. NO ARCHEOLOGICAL SITE.
 7. NO ENDANGERED SPECIES HABITAT.
 8. NO HAZARDOUS MATERIALS TO BE KNOWN.
 9. LANDSCAPE PLAN TO BE PROVIDED BY LANDSCAPE ARCHITECT.
 10. ROADS, SANITARY, WATER AND DRAINAGE ARE PRIVATE.
 11. INDIVIDUAL LOTS ARE FOR SALE OR RENT.
 12. THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE FOREST BUFFER, EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPT. OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.
 13. ANY FOREST BUFFER SHOWN HEREON IS SUBJECT TO FUTURE CONVEYANCE WHICH MAY BE FOUND IN THE LAND RECORDS OF BALTIMORE COUNTY AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.
 14. NO EXISTING WELLS, DEPTIC AREAS OR UNDERGROUND TANKS ON SITE TO OUR KNOWLEDGE.
 15. ALL OFFSITE DWELLINGS AND SMALL LOTS OF RECORD (LESS THAN 2 ACRES) THAT CREATE A RITA ON SITE ARE SHOWN WITH THE REQUIRED 100' BUFFER.
 16. THIS PROPERTY AS SHOWN ON THE PLAN HAS BEEN HELD INTACT BY THE OWNERSHIP SINCE 1950. THE DEVELOPER ENGINEER HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THIS PROPERTY AS SHOWN ON THE PLAN HAS EVER BEEN UTILIZED, RECORDED OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFFSITE DWELLINGS TO HIS KNOWLEDGE.
 17. SCHOOL: WINFIELD ELEMENTARY SCHOOL DISTRICT.
 18. SCHOOL CAPACITY: 1,000.
 19. ESTIMATED PUPIL YIELD: 100.
 20. DISTURBANCE OF THE OPEN SPACE BEYOND THE LIMITS SHOWN ON THE PLAN WILL NOT BE ALLOWED WITHOUT PRIOR APPROVAL FROM THE DEPARTMENT OF RECREATION AND PARKS.
 21. TEMPORARY BOUNDARY MARKERS AND TREE PROTECTION DEVICES SHALL BE INSTALLED CONCURRENTLY WITH THE LIMITS OF DISTURBANCE PRIOR TO ANY CLEARING AND GRADING.

REQUIRED INFORMATION

A. PREPARER OF PLAN

NAME: CHARLES K. STADKE, G.W. STEPHENS, JR. & ASSOC., INC.
FIRM: 600 KENILWORTH DRIVE, SUITE 100
TOWSON, MD. 21204
4-10-92

B. ENVIRONMENTAL INFORMATION

Category	Item	Value
Total	Area	1.00
	Volume	1.00
Total	Area	1.00
	Volume	1.00
Total	Area	1.00
	Volume	1.00

C. EXISTING BUILT CONDITIONS

Category	Item	Value
Total	Area	1.00
	Volume	1.00
Total	Area	1.00
	Volume	1.00
Total	Area	1.00
	Volume	1.00

D. COUNTY ADOPTED PLANS

Category	Item	Value
Total	Area	1.00
	Volume	1.00
Total	Area	1.00
	Volume	1.00
Total	Area	1.00
	Volume	1.00

93-202-A